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12
13 **UNITED STATES BANKRUPTCY COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

15
16 In re:

17 THE LITIGATION PRACTICE GROUP P.C.,

18 Debtor.

Case No.: 8:23-bk-10571-SC

Chapter 11

**DECLARATION OF TYLER POWELL IN
SUPPORT OF THE OPPOSITION TO
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY UNDER 11 U.S.C. §
362 FILED BY MERCHANTS CREDIT
CORPORATION**

Date: January 17, 2024

Time: 1:30 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C

411 W. Fourth Street

Santa Ana, CA 92701

DECLARATION OF TYLER POWELL

I, Tyler Powell, declare as follows:

1. I am an attorney in the bankruptcy department at Dinsmore & Shohl LLP (“Dinsmore” or the “Firm”), special counsel to Richard A. Marshack, Chapter 11 Trustee (the “Trustee”) for The Litigation Practice Group, P.C. (the “Debtor” or “LPG”) in the above-captioned bankruptcy case (the “Case”). I am one of the attorneys at Dinsmore with responsibility for representation of the Trustee. I have personal knowledge of the facts in this declaration and, if called as a witness, I could and would testify competently thereto. Capitalized terms not otherwise defined herein have the same meanings ascribed to them in the pleading to which this declaration is attached.

2. I contacted Robert Mitchell, Esq. in Spokane Washington who is counsel of record for LPG in the Washington state lawsuit filed by MCC. Mr. Mitchell provided me the copies of both (i) MCC’s Third-Party Complaint which is attached to the Opposition as Exhibit 1, and (ii) the Judgment dated May 18, 2022, which is attached to the Opposition as Exhibit 2 from his file. Upon information and belief, I believe these pleadings to be true and accurate copies of the actual pleadings filed in the underlying Washington state court case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 3, 2024

/s/ Tyler Powell

Tyler Powell

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

DINSMORE & SHOHL LLP
655 West Broadway, Suite 800
San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF TYLER POWELL IN SUPPORT OF THE OPPOSITION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 FILED BY MERCHANTS CREDIT CORPORATION**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 3, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Eric Bensamochan
on behalf of Creditor Affirma, LLC

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G63723@notify.cincompass.com

Eric Bensamochan
on behalf of Creditor Oxford Knox, LLC

eric@eblawfirm.us
G63723@notify.cincompass.com

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 3, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY - VIA FEDEX

Honorable Scott C. Clarkson
United States Bankruptcy Court, Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 3, 2024
Date

Angelica Urena
Printed Name

/s/ Angelica Urena
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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